United Nations S/2001/582

Security Council

Distr.: General
12 June 2001

Original: English

Fourth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999) in which the Council requested me to report every six months on the return of all Kuwaiti property, including archives, seized by Iraq.

II. Background

2. Since the adoption of resolution 1284 (1999) on 17 December 1999, I have submitted two reports (S/2000/575 and S/2000/1197) that addressed the issue of the return of all Kuwaiti property. Iraq continues to maintain that it has returned a large part of the Kuwaiti property found in Iraq and has expressed its readiness to return what it might find in the future. Kuwait maintains that the return of the national archives, military equipment and museum items remains the highest priority and that there has been no progress on these issues.

3. On 20 December 2000, the President of the Security Council stated to the press that members of the Council had reiterated the call for the return of the national archives of Kuwait and expressed the hope that the issue of Kuwaiti property would be dealt with expeditiously. Particular emphasis was given to the issue of the return of the national archives since, for the last 10 years, Kuwait had been deprived of access to its own history, a situation painful for any nation.

4. On 26 and 27 February 2001, I met in New York with the then Minister for Foreign Affairs of Iraq, Mohammed Said Al-Sahaf, and his delegation. Among the many topics discussed, the issue of Kuwaiti properties was also addressed. The Minister for Foreign Affairs reiterated that Iraq had returned all Kuwaiti properties found and recalled that his Government had committed itself to returning all items that would be found in the future. Riyadh M. Sami Al-Qaysi, Under-Secretary for Foreign Affairs, added that some property that had been claimed by Kuwait had already been handed over. That applied to some items from the Kuwaiti Ministries of Defence and Information, as well as the Central Bank. On the status of the Kuwaiti national archives, Mr. Al-Qaysi stated that the archives had not been found and, if found, they would be returned.

5. On 28 February 2001, I briefed the Council on my discussions with the Iraqi delegation. Responding to my briefing, several members observed that Iraq could have scored "easy wins" by returning the missing persons and stolen properties. Hope was expressed that the next round of the comprehensive dialogue with the Iraqi officials could enter into more depth and address specific issues, such as the return of Kuwaiti property.

6. During a meeting in New York with the Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, Sheikh Salem Sabah Al-Salem Al-Sabah, on 22 March 2001, I reiterated my intention to enter into more detailed talks with the Iraqi delegation on the issue of missing property during the next round of dialogue. I also informed my Kuwaiti interlocutors that the Minister for Foreign Affairs of Iraq had promised to continue the search for Kuwaiti property, especially the national archives.

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III. Recent activities with regard to property issues

7. During the reporting period, the high-level Coordinator, Ambassador Yuli Vorontsov, continued visiting countries and international organizations to further intensify efforts aimed at the resolution of the humanitarian issues outlined in paragraph 14 of resolution 1284 (1999). Ahmad Abdullah Al-Mahmoud, Minister of State for Foreign Affairs of Qatar, noted that the return of the Kuwaiti national archives remained of the utmost importance since they represented the history of the State of Kuwait and that they should not become bargaining chips. The Minister for Foreign Affairs of Bahrain, Sheikh Mohammad Ben Mubarak Al-Khaliha, felt that the stolen Kuwaiti property should be returned at the earliest opportunity. Priority should be given to the national archives.

8. At the meeting between the Coordinator and the Secretary-General of the Organization of the Islamic Conference (OIC), Abdelouahed Belkeziz, the latter stated that the issue of the return of Kuwaiti properties, including archives, was considered by OIC with the utmost importance. The Secretary-General of OIC intended to appoint a director within the organization who would specifically deal with the issues of missing persons and properties. The Under-Secretary for Political Affairs of the Ministry of Foreign Affairs of Saudi Arabia, Ambassador Torki M. Saud Al-Kabir, noted to the Coordinator that the return of stolen properties, including weapons and archives, was a matter of principle. During the reporting period, the Coordinator also had a useful exchange of views with Rolf Goran Knutsson, Executive Secretary of the United Nations Compensation Commission (UNCC).

9. At a meeting in New York between Sheikh Mohammad Sabah Al-Salem Al-Sabah, Minister of State for Foreign Affairs of Kuwait, and the Coordinator on 18 April 2001, the Minister emphasized that his Government attached particular importance to the return of the Kuwaiti national archives and the military equipment.

10. Kuwait continues to maintain its claim that Iraq is in possession of military equipment seized from Kuwait (see S/2000/575, para. 15). In this connection, the Coordinator has received a letter from Mohammad A. Abulhasan, the Permanent Representative of Kuwait to the United Nations, concerning M-84 tanks as well as M-901 TOW vehicles which, according to Kuwait, were displayed at a military parade in Baghdad on 31 December 2000. Since M-84 tanks and M-901 TOW vehicles were not in the Iraqi military inventory prior to the Gulf War, Kuwait asserts that this equipment represents stolen items.

11. In a letter dated 23 May 2001 addressed to me by the Permanent Representative of Iraq to the United Nations (S/2001/528), Ambassador Al-Douri indicated that, in 1999 and 2000, the Government of Iraq had written to the former coordinator for the return of Kuwaiti property, J. Richard Foran, requesting him to designate a specific time for the return of some items of Kuwaiti origin found in Iraq. It will be recalled that, in paragraph 3 of my second report (S/2000/575), I explicitly clarified that "Mr. J. Richard Foran, Assistant Secretary-General, Office of General Services, Department of Administration and Management, performed these functions between 1991 and 1994. Mr. Raymond Sommereyns, Director, West Asia Division, Department of Political Affairs and subsequently, Director, Library and Publication Division, Department of Information, served in this capacity from 1999 until the appointment of Ambassador Vorontsov".

12. The letter from Ambassador Al-Douri also asserted that "the United Nations Secretariat never responded to these two requests and has not designated a time or place for the property to be handed over". It will be recalled that in paragraph 18 of my second report (S/2000/575), it was noted that Ambassador Vorontsov was ready to travel to Baghdad at the earliest opportunity available for handover to facilitate the return to Kuwait of the items. In paragraph 19 of the same report, I suggested that a member of the international staff of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) be assigned to help with the return of property. In paragraph 36 of my third report (S/2000/1197), reference was made to the letters from Iraq on the Kuwaiti property that remained in the possession of Iraq.

IV. Observations

13. I regret that the Coordinator is not in a position to report that substantive progress has been made in the implementation of his mandate. It is most unfortunate that Iraq is refusing to cooperate with Ambassador Vorontsov in view of its well-known attitude towards resolution 1284 (1999). I am grateful to the members

of the Security Council for their continued unanimous support for the efforts of the Coordinator, who was unable to achieve progress, owing to the unwillingness of Iraq to cooperate with him.

14. Moreover, groundless Iraqi claims that the Coordinator, inter alia, "is playing a role that is other than impartial, is making statements that are hostile to Iraq" (see S/2001/528) must be rejected in the strongest possible terms. It cannot be overemphasized that Ambassador Vorontsov is well known for his integrity, objectivity and even-handed efforts aimed at the resolution of the humanitarian issues of missing persons and stolen properties. I am confident that the Coordinator will continue to exercise this approach in the future.

15. The activities of Ambassador Vorontsov will not yield positive results until and unless a substantial change of attitude on the part of the Iraqi leadership occurs. The continuing absence of a credible explanation by Iraq with regard to the Kuwaiti archives, military material and museum items delays the closure of this file. Notwithstanding efforts made by the Coordinator since my last report to break the existing deadlock on the issue of missing persons and property, there has been no such change of attitude in Baghdad.

16. I continue to believe that cooperation between the Government of Iraq and the Coordinator would facilitate the establishment of an effective dialogue that would constitute an indispensable step towards resolving the existing problems.